

Message Text

UNCLASSIFIED

PAGE 01 STATE 168356

12

ORIGIN ARA-02

INFO OCT-01 ISO-00 L-01 /004 R

66607

\$4-*53\$?6: USOAS:AWNOONAN

APPROVED BY: USOAS: RBMOON

L/ARA-MKOZAK (SUBS)

ARA/BR: JSLATTERY (SUBS)

----- 072278

R 250117Z JUL 75

FM SECSTATE WASHDC

TO AMCONSUL RIO DE JANEIRO

AMEMBASSY BRASILIA

AMEMBASSY SAN JOSE

UNCLAS STATE 168356

FOL REPEAT OF STATE 168356 TO ALL AMERICAN REPUBLIC DIPLOMATIC
POSTS, USCINCSO JUL 17

QTE:

UNCLAS STATE 168356

E.O. 11652: N/A

TAGS: PFOR, OAS, EINV, BBAB, BDIS

SUBJECT: OAS PERMANENT COUNCIL RESOLUTION ON TRANSNATIONAL
ENTERPRISES

REF: DEPTTEL 161080

1. IN AN EXPLANATION OF VOTE ON SUBJECT RESOLUTION, U.S.
DELEGATE MADE A STATEMENT FOR THE RECORD, THE TEXT OF
WHICH FOLLOWS.

BEGIN TEXT. THE U.S. GIVES ITS FULL SUPPORT TO THIS
RESOLUTION. WE GLADLY JOIN WITH THE OTHER MEMBERS OF THE
OAS IN CONDEMNING BRIBERY AND WE ARE PREPARED TO RESUME
EFFORTS WITHIN THE HEMISPHERE TO WORK TOWARD A CODE OF
CONDUCT RELATING TO TRANSNATIONAL ENTERPRISES.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 168356

I WOULD LIKE TO MAKE THE OBSERVATION THAT THE CONSTRUCTIVE WAY THIS RESOLUTION HAS BEEN FASHIONED AUGERS WELL FOR THE FUTURE OF THE PERMANENT COUNCIL. WE ARE ALL AWARE OF THE MANY HOURS OF PATIENT, CALM AND DISPASSIONATE DISCUSSION WHICH HAS GONE INTO THE FORMULATION OF THIS RESOLUTION. I THINK THIS COUNCIL OWES A SPECIAL DEBT OF GRATITUDE TO THE DISTINGUISHED AMBASSADOR OF VENEZUELA AND TO THE OTHER SPONSORS AS WELL AS NON-SPONSORS WHO COLLABORATED IN ITS DRAFTING.

MY DELEGATION HAS GIVEN ITS SUPPORT IN THE UNDERSTANDING, WHICH I WANT TO MAKE A MATTER OF RECORD, THAT THE U.S. POSITION WITH RESPECT TO THE APPLICABILITY OF INTERNATIONAL LAW IS IN NO WAY CHANGED BY OUR SUPPORT FOR THIS RESOLUTION, AND SPECIFICALLY BY OUR ACCEPTANCE OF THE LANGUAGE RELATING TO HOST COUNTRY LAWS AND COURT JURISDICTION. THE U.S. HAS ALWAYS AGREED THAT THE ACTIVITIES OF TRANSNATIONAL ENTERPRISES SHOULD BE SUBJECT TO HOST COUNTRY LEGISLATION AND COURT JURISDICTION. IN SUPPORTING THE RESOLUTION WE REAFFIRM THIS PRINCIPLE. BUT WE HAVE NOT CHANGED OUR POSITION THAT THERE IS ANOTHER IMPORTANT PRINCIPLE THAT MUST BE RECOGNIZED IN ANY BALANCED TREATMENT OF THE PROBLEM OF TRANSNATIONALS; NAMELY, THAT HOST COUNTRIES, IN DEALING WITH TRANSNATIONAL ENTERPRISES, SHOULD RESPECT INTERNATIONAL LAW AND ACCORD EQUITABLE TREATMENT TO SUCH ENTERPRISES, AND THAT OTHER COMPETENT TRIBUNALS MAY HAVE JURISDICTION UNDER CERTAIN CONDITIONS. HERE I MUST REFER TO THE EXPLANATION OF VOTE OF THE DISTINGUISHED REPRESENTATIVE OF MEXICO, AND AFFIRM THAT WE ARE TALKING ABOUT EQUITABLE -- NOT PREFERENTIAL -- TREATMENT. (SEE FYI).

SIMILARLY, WHILE WE AGREE THAT INFORMATION EXCHANGE IS IMPORTANT, IT IS OUR UNDERSTANDING THAT THE KINDS OF INFORMATION TO BE EXCHANGED AND THE PURPOSES THAT SUCH EXCHANGE ARE DESIGNED TO SERVE REMAIN SUBJECT TO FURTHER DISCUSSION AND INTERPRETATION.

I MIGHT ADD THAT MY DELEGATION IS PLEASED WITH THE GENERAL AGREEMENT THAT THE PERMANENT COUNCIL WILL ES-

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 168356

TABLISH PROCEDURES FOR FRANK, INFORMAL AND CONSTRUCTIVE DIALOGUE ON THIS SUBJECT. WE BELIEVE SUCH PROCEDURES ARE IMPORTANT FOR THE PROGRESS WE ALL SEEK ON THE SUBSTANTIVE ISSUES. IN CLOSING, I WOULD LIKE TO REITERATE OUR SUPPORT NOT ONLY FOR THE RESOLUTION BUT ALSO FOR THE CONCEPT EMBODIED IN IT OF A SERIOUS EFFORT ON THE SUBSTANCE OF THE ISSUE. END TEXT.

2. (FYI: MEXICO, IN AN EXPLANATION OF VOTE, HAD GIVEN
AN EXTENDED DISQUISITION ON THE HISTORY OF AND JUSTIFI-
CATION FOR THE CALVO DOCTRINE AS THE COUNTERBALANCE TO
DEVELOPED COUNTRY INSISTENCE ON SPECIAL TREATMENT.)
END FYI. KISSINGER UNQUOTE KISSINGER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, BRIBERY, RESOLUTIONS, MULTINATIONAL CORPORATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE168356
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750247-0488
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750746/aaaabpbp.tel
Line Count: 120
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ARA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 STATE 161080
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 03 MAR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 MAR 2003 by ThomasVJ>; APPROVED <15 MAR 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OAS PERMANENT COUNCIL RESOLUTION ON TRANSNATIONAL ENTERPRISES
TAGS: PFOR, EINV, BBAK, BDIS, US, OAS
To: ALL POSTS USCINCSO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006